

109TH CONGRESS
1ST SESSION

S. 2063

To amend the Higher Education Act of 1965 to require institutions of higher education to preserve the educational status and financial resources of military personnel called to active duty.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2005

Mr. VITTER introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Higher Education Act of 1965 to require institutions of higher education to preserve the educational status and financial resources of military personnel called to active duty.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Reservist Opportuni-
5 ties and Protection of Education Act”.

6 **SEC. 2. LEAVE OF ABSENCE FOR MILITARY SERVICE.**

7 (a) OBLIGATION AS PART OF PROGRAM PARTICIPA-
8 TION REQUIREMENTS.—Section 487(a)(22) of the Higher

1 Education Act of 1965 (20 U.S.C. 1094(a)(22)) is amend-
 2 ed by inserting “and with the policy on leave of absence
 3 for active duty military service established pursuant to
 4 section 484C” after “section 484B”.

5 (b) LEAVE OF ABSENCE FOR MILITARY SERVICE.—
 6 Part G of title IV of the Higher Education Act of 1965
 7 (20 U.S.C. 1088 et seq.) is amended by inserting after
 8 section 484B (20 U.S.C. 1091b) the following:

9 **“SEC. 484C. LEAVE OF ABSENCE FOR MILITARY SERVICE.**

10 “(a) LEAVE OF ABSENCE REQUIRED.—Whenever a
 11 student who is a member of the National Guard or other
 12 reserve component of the Armed Forces of the United
 13 States, or a member of such Armed Forces in a retired
 14 status, is called or ordered to active duty, the eligible insti-
 15 tution in which the student is enrolled shall grant the stu-
 16 dent a military leave of absence from the institution while
 17 such student is serving on active duty, and for 1 year after
 18 the conclusion of such service.

19 “(b) CONSEQUENCES OF MILITARY LEAVE OF AB-
 20 SENCE.—

21 “(1) PRESERVATION OF STATUS AND AC-
 22 COUNTS.—A student on a military leave of absence
 23 from an institution shall be entitled, upon release
 24 from serving on active duty, to be restored to the
 25 educational status such student had attained prior

1 to being ordered to such duty without loss of aca-
 2 demic credits earned, scholarships or grants award-
 3 ed, or, subject to paragraph (2), tuition and fees
 4 paid prior to the commencement of the active duty.

5 “(2) REFUNDS.—

6 “(A) OPTION OF REFUND OR CREDIT.—An
 7 institution of higher education shall refund tui-
 8 tion and fees paid or credit the tuition and fees
 9 to the next period of enrollment after the stu-
 10 dent returns from a military leave of absence,
 11 at the option of the student. Notwithstanding
 12 the 180-day limitation in section
 13 484B(a)(2)(A), a student on a military leave of
 14 absence under this section shall not be treated
 15 as having withdrawn for purposes of section
 16 484B unless the student fails to return at the
 17 end of the military leave of absence (as deter-
 18 mined under subsection (a)).

19 “(B) PROPORTIONATE REDUCTION OF RE-
 20 FUND FOR TIME COMPLETED.—If a student re-
 21 quests a refund for a period of enrollment, the
 22 percentage of the tuition and fees that shall be
 23 refunded shall be equal to 100 percent minus—

24 “(i) the percentage of the period of
 25 enrollment (for which the tuition and fees

1 were paid) that was completed (as deter-
 2 mined in accordance with section 484B(d))
 3 as of the day the student withdrew, pro-
 4 vided that such date occurs on or before
 5 the completion of 60 percent of the period
 6 of enrollment; or

7 “(ii) 100 percent, if the day the stu-
 8 dent withdrew occurs after the student has
 9 completed 60 percent of the period of en-
 10 rollment.

11 “(c) ACTIVE DUTY.—The term ‘active duty’ has the
 12 meaning given such term in section 101(d)(1) of title 10,
 13 United States Code, except that such term—

14 “(1) does not include active duty for training or
 15 attendance at a service school; and

16 “(2) includes, in the case of members of the
 17 National Guard, active State duty.”.

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